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Attorney for Debtor/Defendant

FILED & ENTERED

NOV 14 2022

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY Pgarcia DEPUTY CLERK

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

SAN FERNANDO VALLEY DIVISION

In re:) Case No. **1:22-bk-10695-VK**
) Chapter 7
Ari David Alexenburg,) Adv. No. **1:22-ap-01049-VK**
)
Debtor,) **ORDER:**
)
) **1) GRANTING PLAINTIFF YADEGAR**
) **LEAVE TO AMEND COMPLAINT TO**
) **DETERMINE DISCHARGEABILITY OF**
) **DEBT;**
)
Plaintiff,) **2) DISMISSING ADVERSARY**
) **COMPLAINT IN THE EVENT**
) **PLAINTIFF YADEGAR DOES NOT FILE**
v.) **AN AMENDED COMPLAINT TO**
) **DETERMINE DISCHARGEABILITY OF**
) **DEBT;**
)
Ari David Alexenburg,) **3) CONTINUING STATUS CONFERENCE**
) **FROM 11/16/2022 TO 01/11/2023**
)
Defendant.) Date: 11/09/2022
) Time: 02:00pm
) Courtroom: 301
)

The Motion by Defendant Ari David Alexenburg For Order
Dismissing Complaint By Plaintiff Daphne Yadegar, Without Leave
To Amend, For Failure To State A Claim For Relief Pursuant To

1 Federal Rule Of Bankruptcy Procedure 7012(b)(6), Docket Number
2 7, filed 10/03/2022, came on regularly for hearing on Wednesday
3 11/09/2022 at 0200pm. Appearing by Zoom.gov on behalf of
4 Plaintiff Yadegar was Terrence Swinson of Law Offices Of Eric
5 Bryan Seuthe & Associates. Appearing by Zoom.gov on behalf of
6 moving party Defendant Alexenburg was Jeffrey Hagen of Law
7 Offices Of Hagen & Hagen.

8 Based upon Defendant Alexenburg's Notice Of Motion And
9 Motion, the Memorandum Of Points And Authorities attached
10 thereto, the Declaration Of Defendant Alexenburg attached
11 thereto, the pleadings and documents on file herein including
12 the written ~~tentative~~ ruling which the Court has made a part of
13 the record by adding it to the docket as Docket Number ~~15-13~~,
14 and other good cause appearing, it is hereby
15

16 **ORDERED** that should Plaintiff Yadegar elect to do so, she
17 may file an amended Complaint against Defendant Alexenburg To
18 Determine Dischargeability Of Debt Pursuant To 11 U.S.C. Section
19 523(a)(6) by no later than ~~11/24/2022~~ *fourteen days from the*
20 *entry of this order.* It is further
21

22 **ORDERED** that should Plaintiff not file an amended Complaint
23 against Defendant Alexenburg To Determine Dischargeability Of
24 Debt Pursuant To 11 U.S.C. Section 523(a)(6) by no later than
25 ~~11/24/2022~~ *fourteen days from the entry of this order*, this
26 adversary proceeding *may* be dismissed by the Clerk without
27 further motion. It is further
28

1 **ORDERED** that should Plaintiff Yadegar *timely* file an
2 amended Complaint against Defendant Alexenburg To Determine
3 Dischargeability Of Debt Pursuant To 11 U.S.C. Section 523(a)(6)
4 ~~by 11/24/2022~~, Defendant Alexenburg shall have thirty calendar
5 days within which to file a responsive pleading, whether it be
6 another Motion For Order Dismissing Complaint For Failure To
7 State A Claim For Relief Pursuant To Federal Rule Of Bankruptcy
8 Procedure 7012(b)(6), an Answer, or otherwise. It is further
9

10 **ORDERED** that the Status Conference currently scheduled for
11 Wednesday 11/16/2022 at 01:30pm is continued to Wednesday
12 **01/11/2023 at 01:30pm**. If the adversary proceeding has not been
13 dismissed prior to the continued Status Conference, the parties
14 shall jointly prepare and file a joint Status Conference
15 Statement no less than fourteen days prior to the Status
16 Conference; *and it is further*
17

18 *ORDERED, that the parties are to attend the continued*
19 *status conference via ZoomGov, which provides a live video*
20 *connection with the Court. **Any attorney or party in interest***
21 ***who makes an appearance on the record must appear by video.** The*
22 *following instructions will apply to the ZoomGov hearing:*
23

24 *(1) Meeting Information: **January 11, 2023***

25 *Meeting URL: <https://cacb.zoomgov.com/j/1606573322>*

26 *Meeting ID: 160 657 3322*

27 *Password: 594035*
28

Join by Telephone: 1-669-254-5252 or 1-646-828-7666


(2) Hearing participants and members of the public may view and listen to the hearing through ZoomGov **free of charge**. Individuals may connect by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone). Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required.

(3) The audio portion of each hearing will be recorded electronically by the Court and constitute its official record.

(4) All persons (other than Court staff creating the official record of the hearing) are strictly prohibited from making any audio or video recording of the proceedings.

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Date: November 14, 2022


Victoria S. Kaufman
United States Bankruptcy Judge